

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BROOKLYN MARCHWINSKI,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DONNA POWERS,

Respondent-Appellant.

UNPUBLISHED

October 19, 2006

No. 270650

St. Clair Circuit Court

Family Division

LC No. 05-000187

Before: Whitbeck, C.J., and Saad and Schuette, JJ.

MEMORANDUM.

Respondent appeals a circuit court order that terminated her parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that §§ 19b(3)(c)(i) and (g) were each established by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). The child came into care because respondent lacked stable housing and had a substance abuse problem. The Department of Human Services established a treatment plan for respondent that directed her to complete parenting classes, participate in a substance abuse assessment and follow treatment recommendations, provide random drug screens, obtain and maintain stable housing and a legal source of income, and attend family visits. Despite numerous referrals for parenting courses, respondent repeatedly failed to attend the classes. Respondent also failed to contact substance abuse service providers and failed to provide drug screens. Further, though respondent enrolled in substance abuse counseling at Sacred Heart in Warren, her therapist indicated that she “was terminated from that program due to noncompliance, failure to keep appointments, and self-admitting to using marijuana during that time.”

During the proceedings, respondent was also arrested for possession of marijuana and, the police report stated that she admitted that she regularly purchased and used cocaine. Respondent never maintained safe, suitable housing and did not show that she held a job for any significant period of time. Respondent sporadically attended visitations with the child and, for nearly six months, respondent’s foster care worker could not reach her. Clearly, respondent was

unable to provide stability for the child and failed to rectify the conditions that brought the child into care.

The evidence also did not clearly show that termination of respondent's parental rights was not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000). While respondent stated that she loved her daughter and that she made some last-minute efforts to work on the service plan, she failed to establish stable housing and failed to address her substance abuse problem. Thus, the fact that respondent made some eleventh-hour improvements did not clearly overwhelm her failure to show any improvement during the year the child was in alternate placement such that termination was not in the child's best interests. *In re Trejo, supra* at 364. The trial court did not err in terminating respondent's parental rights to the child. *Id.* at 356-357.

Affirmed.

/s/ William C. Whitbeck
/s/ Henry William Saad
/s/ Bill Schuette